

Message Text

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ACTION EUR-25

INFO OCT-01 ISO-00 L-03 JUSE-00 SCS-03 SCA-01 DRC-01 RSC-01

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R 231635Z AUG 74

FM AMEMBASSY BERN

TO SECSTATE WASHDC 9453

C O N F I D E N T I A L BERN 3185

E.O. 11652: GDS

TAGS: CFED, SZ (SPARTALIS/TIDAL MARINE INVESTIGATION)

SUBJECT: GREGORY SPARTALIS/TIDAL MARINE INVESTIGATION:

PROPOSED SUBPOENA FOR NYC BRANCH OF CREDIT SUISSE

REF: STATE A-6556

1. EMBASSY STRONGLY BELIEVES THAT PROPOSED COURSE OF ACTION AGAINST CREDIT SUISSE'S N.Y. BRANCH, COURSE OF ACTION WHICH WOULD SET A PRECEDENT IN THIS FIELD, WOULD CAUSE PROBLEMS BOTH FOR RATIFICATION OF JUDICIAL ASSISTANCE TREATY AND PASSAGE OF IMPLEMENTING LEGISLATION. EMBASSY APPRECIATES DEPT/JUSTICE DESIRE TO PROCEED AGAINST SPARTALIS BUT BELIEVES THAT PROGRESS IN THIS ONE CASE WOULD BE FAR OUT-WIGHED BY DAMAGE DONE TO PROSPECTS OF EARLY RATIFICATION OF TREATY AND PASSAGE OF IMPLEMENTING LEGISLATION.

2. WITHOUT MENTIONING PROPOSED ACTION AGAINST C S'S N.Y. BRANCH EMBOFF DISCUSSED SPARTALIS CASE WITH INFORMED FEDERAL DEPT OF JUSTICE AND POLICE (FDJP) OFFICIAL. EMBOFF ASKED WHAT COULD BE DONE TO PERSUADE C S TO REVERSE EARLIER NEGATIVE DECISION. AFTER REVIEWING FILE FDJP OFFICIAL STATED HE THOUGHT C S HAD ALREADY VIOLATED BANKING SECRECY LEGISLATION BY ADMITTING IT HAD AN ACCOUNT IN NAME OF SABINE EVRIPEOU, SISTER OF SPARTALIS. FDJP OFFICIAL ADDED 3RD PARTY INVOLVEMENT MAKES IT VERY DIFFICULT FOR BANK TO PROVIDE INFO SINCE OSTENSIBLY INNOCENT THIRD PARTY
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COULD SUE FOR DAMAGES. WHEN IT WAS POINTED OUT THAT

SABINE EVRIPEOU ONLY STRAW WOMAN FOR HER BROTHER FDJP OFFICIAL
QUESTIONED HOW THIS COULD BE PROVED. EMBOFF ASKED IF IT
COULD BE PROVED WOULD C S RECONSIDER DECISION. FDJP OFFICIAL
DOUBTFUL BUT AGREED FDJP WOULD PROCESS SUCH A REQUEST.
EMBASSY SUGGESTS, THEREFORE, THAT DEPT JUSTICE MAY WISH
SUBMIT LETTERS ROGATORY ABOVE LINES.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 23 AUG 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: boyleja
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974BERN03185
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D740234-0536
From: BERN
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19740824/aaaaaubq.tel
Line Count: 68
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EUR
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators:
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: STATE A-6556
Review Action: RELEASED, APPROVED
Review Authority: boyleja
Review Comment: n/a
Review Content Flags:
Review Date: 17 JUN 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <17 JUN 2002 by boyleja>; APPROVED <04 MAR 2003 by boyleja>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: GREGORY SPARTALIS/TIDAL MARINE INVESTIGATION: PROPOSED SUBPOENA FOR NYC BRANCH OF CREDIT SUISSE
TAGS: CFED, SZ
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005